

## UNITED STATES DISTRICT COURT

for the  
Western District of Washington

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

SEE ATTACHMENT A

Case No.

CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DETNTY

AUG 21 2015

FILED  
LODGED  
ENTERED  
RECEIVED

MJ15-388

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, which is incorporated herein by reference

located in the Centrial District of California, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, attached hereto and incorporated herein

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 2251(a), (e); and 18 U.S.C. § 2252(a)(2)	Production of Depictions of Minors Engaged in Sexually Explicit Conduct; Distribution of Depictions of Minors Engaged in Sexually Explicit Conduct

The application is based on these facts:

See attached Affidavit of Special Agent Ingrid Arbuthnot-Stohl, attached hereto and incorporated herein.

- Continued on the attached sheet.
- Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

SA Ingrid Arbuthnot-Stohl, Affiant, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

August 21, 2015


Judge's signature

JAMES P. DONOHUE, Chief U.S. Magistrate Judge

Printed name and title

City and state: SEATTLE, WASHINGTON

## AFFIDAVIT

STATE OF WASHINGTON )

## COUNTY OF KING

I, Ingrid Arbuthnot-Stohl, being duly sworn, state:

## I. INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), assigned to the Special Agent in Charge in Seattle, Washington. I have been an Agent with the FBI since December 2010. As part of my daily duties as an FBI agent, I investigate criminal violations relating to child exploitation and child pornography including violations of Title 18, United States Code §§ 2251(a), 2252A, 2422, and 2423. I have received training in the area of child pornography and child exploitation, and have observed and reviewed numerous examples of child pornography in numerous forms of media, including media stored on digital media storage devices such as computers, iPhones, etc. I have also participated in the execution of numerous search warrants involving investigations of child exploitation and/or child pornography offenses. I am a member of the Seattle Internet Crimes Against Children (ICAC) Task Force in the Western District of Washington, and work with other federal, state, and local law enforcement personnel in the investigation and prosecution of crimes involving the sexual exploitation of children.

2. I make this affidavit in support of an application for a search warrant, pursuant to Title 18, United States Code §2251(a) and (e) (Production of Depictions of Minors Engaged in Sexually Explicit Conduct), § 2252(a)(2) (Distribution of Depictions of Minors Engaged in Sexually Explicit Conduct), to search the corporate and billing records of Facebook, Inc. 1601 Willow Road, Menlo Park, California 94025 as they pertain to the user account <https://www.facebook.com/BettyFreak99> for the time period

January 1, 2015, to July 31, 2015. The Facebook account that is the subject of this search warrant application is controlled by Facebook Inc. This application seeks a warrant to search the aforementioned Facebook account and seize the items listed in Attachment B, which is attached to this affidavit and incorporated herein by reference for evidence, fruits, and instrumentalities of violations of Title 18, United States Code §2251(a) and (e) (Production of Depictions of Minors Engaged in Sexually Explicit Conduct), § 2252(a)(2) (Distribution of Depictions of Minors Engaged in Sexually Explicit Conduct)

3. The statements contained in this affidavit are based in part on information provided by law enforcement officials and others known to me, and on my experience and background as a law enforcement officer. Since the affidavit is being submitted for the limited purpose of establishing probable cause, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that violations of Title 18, United States Code §2251(a) and (e) (Production of Depictions of Minors Engaged in Sexually Explicit Conduct)§ 2252(a)(2) (Distribution of Depictions of Minors Engaged in Sexually Explicit Conduct), have been committed and that the instrumentalities, fruits, and evidence of those crimes will be found in a particular place to be searched.

4. The facts set forth in this Affidavit are based on my own personal knowledge; knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers; review of documents and records related to this investigation; communications with others who have personal knowledge of the events and circumstances described herein; and information gained through my training and experience.

## **II. SUMMARY OF INVESTIGATION**

5. On July 30, 2015, the National Center for Missing and Exploited Children (NCMEC) received a complaint that stated a person using the Facebook account <https://www.facebook.com/bettyfreak99> (HEREAFTER THE SUBJECT ACCOUNT) had sent at least two images of child pornography to another user via Facebook

1 messenger. "Bettyfreak99's" profile identified the user as "Jody Christine Everett"  
2 whose city of residence was Federal Way, Washington.

3       6. On July 31, 2015, the complainant provided screenshots a Facebook  
4 messenger chat between "bettyfreak99" and another whose Facebook profile name is  
5 "Bogie Mac." The screenshots depicted a naked juvenile male approximately seven (7)  
6 to ten (10) years old, based upon the lack of pubic hair, minimal genital development,  
7 minimal hip development, and overall body size. One image depicted the juvenile male  
8 standing naked with his penis as the focal point of the image. The second image was of  
9 presumably the same juvenile male, based upon body markers and items in the  
10 background of the picture, with his buttocks exposed as the focal point of the image.

11       7. The images were accompanied by text. The image of the juvenile male's  
12 penis include, in part, the following text:

13           *Bogie Mac: "I wanna c u touch it"*

14           *Jody Christine Everett: Can't right now, had to get him dressed tealy [sic] quick*

15       The image of the juvenile male's buttocks include, in part, the following text:

16           *Bogie Mac: "Do it. Touch it a lil"*

17       8. Law enforcement agents conducted open source research that revealed a  
18 Judith Everett living in Federal Way, Washington, who was listed as a possible spouse  
19 for the registered owner of the phone number provided by the complainant to NCMEC.

### 20       **III. SUBJECT'S USE OF ELECTRONIC COMMUNICATION SERVICES**

21       9. On July 31, 2015, Detective Raymond Unsworth of the Federal Way Police  
22 Department (FWPD) was assigned to investigate a Child Protective Services (CPS)  
23 referral that stemmed from the above-described NCMEC complaint. Detective Unsworth  
24 contacted JUDITH EVERETT's HUSBAND at the residence and coordinated a forensic  
25 interview with the two minor children residing in the home. Due to a death in the family  
26 and the HUSBAND being the only person able to drive a vehicle in the family, the two  
27 minor children were escorted by CPS and Detective Unsworth to the Federal Way Police  
28 Department for forensic interviews.

1       10. MINOR VICTIM 1 (MV1) age thirteen (13) reported JUDITH EVERETT  
 2 was constantly on line communicating with men and sending naked selfies. MV1 further  
 3 reported the home computer broke due to having so many viruses and as such JUDITH  
 4 EVERETT began using her smart phone to communicate with men and take photographs.  
 5 MV1 reported JUDITH EVERETT took a photograph of MV1 in a swim suit. MV1 was  
 6 shown two censored photographs described above and confirmed the identity of Minor  
 7 Victim 2 (MV2), age nine (9) as well as the location the photograph as JUDITH  
 8 EVERETT's living room. MV2 reported during a forensic interview that JUDITH  
 9 EVERETT took multiple photographs of him naked that made him feel "funny and  
 10 embarrassed." MV2 was shown two censored images as described above and identified  
 11 himself.

12       11. JUDITH EVERETT voluntarily drove to the Federal Way Police  
 13 Department in Federal Way, Washington with her HUSBAND at the request of Detective  
 14 Unsworth. JUDITH EVERETT was brought into an unlocked interview room and  
 15 informed that she was not under arrest and could walk out of the room at any time.  
 16 JUDITH EVERETT agreed to a recorded interview by both Detective Unsworth and  
 17 Special Agent Ingrid Arbuthnot-Stohl. JUDITH EVERETT was advised of her  
 18 constitutional rights and provided a statement. In the audio recorded interview, JUDITH  
 19 EVERETT stated that she had taken photographs of nine (9) year old MV2's penis and  
 20 buttocks.

21       12. JUDITH EVERETT stated that she met "Bogie Mac" on Facebook and  
 22 began an inmate online relationship with him. After about a month, "Bogie Mac" asked  
 23 her to take pictures of MV1 and MV2. JUDITH EVERETT took naked pictures of nine  
 24 (9) year old MV2 on at least two occasions and sent them to "Bogie Mac." JUDITH  
 25 EVERETT stated that she communicated with "Bogie Mac" exclusively via her Samsung  
 26 Galaxy III mobile telephone. JUDITH EVERETT also stated that she took the pictures  
 27 of MV2 using the camera on the Samsung Galaxy III mobile telephone.

28

1       13. In addition to taking naked photographs of MV2 at the direction of "Bogie  
2 Mac," JUDITH EVERETT stated that she had had intimate conversations with "Bogie  
3 Mac" about MV1 and MV2 that included offering MV1 and MV2 to "Bogie Mac" for  
4 sexual purposes if he would travel from Illinois to Washington State to visit. The  
5 majority of these conversations occurred using Facebook Messenger through the  
6 SUBJECT ACCOUNT.

7                          **IV. PAST EFFORTS TO OBTAIN EVIDENCE**

8       26. I understand that the contents of the Facebook account identified in  
9 Paragraph 2 can only be obtained, in the Ninth Circuit, by means of a search warrant  
10 issued under authority of Title 18, United States Code, Sections 2703(a), 2703(b)(1)(A),  
11 2703(c)(1)(A), and Rule 41(e)(2)(b), Fed. R. Crim. Pro. To my knowledge, there have  
12 been no prior search warrants issued regarding Facebook account  
13 <https://www.facebook.com/BettyFreak99>.

14                          **V. GENUINE RISKS OF DESTRUCTION OF EVIDENCE**

15       27. Based upon my experience and training, it is not uncommon for technically  
16 sophisticated criminals to use encryption or programs to destroy data that can be  
17 triggered remotely or by a pre-programed event or keystroke, or other sophisticated  
18 techniques to hide data. In this case the data we are seeking is stored on a server  
19 belonging to Facebook. If that data is accessed and deleted by the user, by deleting  
20 content, the content would not be retrievable. Unlike traditional computer forensics  
21 where a hard drive can be searched and deleted documents recovered, information stored  
22 in an enterprise storage system is irretrievable once it has been deleted. Further, since  
23 this information is accessible from anywhere that the suspect can obtain an Internet  
24 connection to log on to his account, he can delete this information in a matter of minutes.

25                          **VI. PROTOCOL FOR SORTING SEIZABLE ELECTRONICALLY STORED**  
26                          **INFORMATION**

27       28. In order to insure that agents are limited in their search only to the  
28 Facebook account <https://www.facebook.com/BettyFreak99> in order to protect the

1 privacy interests of other third parties who have accounts with Facebook; and in order to  
2 minimize disruptions to normal business operations of Facebook; this application seeks  
3 authorization to permit agents and employees of Facebook to assist in the execution of  
4 the warrant, as follows: (See: Title 18, United States Code, Section 2703(g)).

5 a. The search warrant will be presented to Facebook, with direction  
6 that it identify and isolate the account and associated records described in Section I of  
7 Attachment B.

8 b. Facebook will also be directed to create an exact duplicate in  
9 electronic form of the account information and records specified in Section I of  
10 Attachment B, including an exact duplicate of the content of all messages stored in the  
11 specified Facebook account.

12 c. Facebook shall then provide an exact digital copy of the contents of  
13 the subject Facebook account, as well as all other records associated with the accounts, to  
14 me, or to any other agent of the FBI. Once the digital copy has been received from  
15 Facebook, that copy will, in turn, be forensically imaged and only that image will be  
16 reviewed and analyzed to identify communications and other data subject to seizure  
17 pursuant to Section II of Attachment B. The original digital copy will be sealed and  
18 maintained to establish authenticity, if necessary.

19 d. I, and/or other agents of the FBI will thereafter review the forensic  
20 image, and identify from among that content those items that come within the items  
21 identified in Section II to Attachment B, for seizure. I, and/or other agents of the FBI  
22 will then copy those items identified for seizure to separate media for future use in the  
23 investigation and prosecution. The forensic copy of the complete content of the  
24 Facebook account will also then be sealed and retained by the FBI, and will not be  
25 unsealed absent Court authorization, except for the purpose of duplication of the entire  
26 image in order to provide it, as discovery, to a charged defendant.

1                   e.     Analyzing the data contained in the forensic image may require  
 2 special technical skills, equipment, and software. It could also be very time-consuming.  
 3 Searching by keywords, for example, can yield thousands of "hits," each of which must  
 4 then be reviewed in context by the examiner to determine whether the data is within the  
 5 scope of the warrant. Merely finding a relevant "hit" does not end the review process.  
 6 Keywords used originally need to be modified continuously, based on interim results.  
 7 Certain file formats, moreover, do not lend themselves to keyword searches, as keywords  
 8 search text, and many common electronic mail, database, and spreadsheet applications,  
 9 (which may be attached to messages,) do not store data as searchable text. The data is  
 10 saved, instead, in proprietary non-text format. And, as the volume of storage allotted by  
 11 service providers increases, the time it takes to properly analyze recovered data increases,  
 12 as well. Consistent with the foregoing, searching the recovered data for the information  
 13 subject to seizure pursuant to this warrant may require a range of data analysis techniques  
 14 and may take weeks or even months.

15                  f.     Based upon my experience and training, and the experience and  
 16 training of other agents with whom I have communicated, it is necessary to seize all  
 17 electronic content, chat logs and documents, that identify any users of the subject account  
 18 and any electronic messages sent or received in temporal proximity to incriminating  
 19 messages that provide context to the incriminating communications.

20                  g.     All forensic analysis of the image data will employ only those search  
 21 protocols and methodologies reasonably designed to identify and seize the items  
 22 identified in Section II of Attachment B to the warrant.

## 23                   **VII. REQUEST FOR NON-DISCLOSURE**

24                  29.    The government requests, pursuant to the preclusion of notice provisions of  
 25 Title 18, United States Code, Section 2705(b), that Facebook be ordered not to notify any  
 26 person (including the subscriber or customer to which the materials relate) of the  
 27 existence of this warrant for such period as the Court deems appropriate. The  
 28 government submits that such an order is justified because notification of the existence of

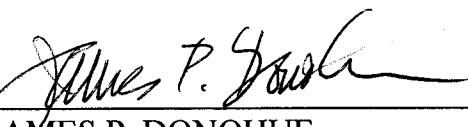
1 this Order could jeopardize the ongoing investigation by alerting JUDITH EVERTT to  
2 the search warrant and allow her to seek to destroy, alter, or delete evidence or potentially  
3 influence witnesses.

4 **VIII. CONCLUSION**

5 31. Based upon the evidence gathered in this investigation and set out above,  
6 including but not limited to my review of data and records, information received from  
7 other law enforcement agents, and my training and experience, there is probable cause to  
8 believe that evidence, fruits and/or instrumentalities of the crimes of Title 18, United  
9 States Code §2251(a) and (e) (Production of Depictions of Minors Engaged in Sexually  
10 Explicit Conduct)§ 2252(a)(2) (Distribution of Depictions of Minors Engaged in Sexually  
11 Explicit Conduct), communications contained and associated with the Facebook account  
12 <https://www.facebook.com/BettyFreak99>.  
13 Accordingly, by this Affidavit and Warrant I seek authority for the government to search  
14 all of the items specified in Section I, Attachment B (attached hereto and incorporated by  
15 reference herein) to the Warrant, and specifically to seize all of the data, documents and  
16 records that are identified in Section II to that same Attachment.

17  
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19   
20 Ingrid Arbuthnot-Stohl, Affiant  
21 Special Agent  
22 Federal Bureau of Investigations

23 SUBSCRIBED and SWORN to before me this 21st day of August, 2015.  
24

25   
26 JAMES P. DONOHUE  
27 Chief United States Magistrate Judge  
28

1                   **ATTACHMENT A**

2                   **Place to be Searched**

3

4                   The electronically stored information and communications contained in, and  
5 associated with Facebook account https://www.facebook.com/BettyFreak99, as well as  
6 Facebook corporate and billing records associated with User ID numbers  
7 https://www.facebook.com/BettyFreak99, which are located at the premises owned,  
8 maintained, controlled or operated by Facebook, headquartered at Facebook Inc., 1601  
9 Willow Road, Menlo Park, California 94025.

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## ATTACHMENT B

## **Section I - Items to be Provided by Facebook for Search**

For the time period January 1, 2015, to July 31, 2015, any and all records as they pertain to <https://www.facebook.com/BettyFreak99> to include but not limited to

**A: Basic Subscriber Information including:**

- User Identification Number;
- Email addresses;
- most recent logins;
- registered mobile phone numbers.

#### **B. Expanded Subscriber Content:**

- Profile Content Information;
- Status update history;
- Shares;
- Notes;
- Wall postings;
- Listings with Friend's Facebook IDs;
- Group listings with Facebook Group ID numbers;
- Future and past events;
- Video listings with filename;
- User photos;
- Group Information;
- Private messages.

## **Section II - Items to be Seized**

From the Facebook account <https://www.facebook.com/BettyFreak99>:

a. All messages, documents, and profile information, attachments, or other data that serves to identify any persons who use or access the account specified or related accounts, or who exercise in any way any dominion or control over the specified account;

b. All outgoing and incoming (sent, received, opened or unopened) messages, chat text, wall postings, photographs, videos or other combinations as well as Facebook records, that contain information regarding <https://www.facebook.com/BettyFreak99> past, present or future residences, past present or future locations, past or future travel itineraries, and future travel plans;

c. friend lists or contact lists associated with the specified account;